

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

RICK HARRISON, et al.,

Plaintiff,

v.

REPUBLIC OF SUDAN,

Defendant.

Case No. 13-CV-03127 (PKC)

RICK HARRISON, et al.,

Petitioners,

v.

AMERICAN EXPRESS TRAVEL RELATED SERVICES, CO.; BANCO DO BRASIL, S.A.; BANK OF AMERICA; BANK OF BARODA, NEW YORK BRANCH; BANK OF CHINA, NEW YORK BRANCH; BANK OF NEW YORK MELLON; BANK OF TOKYO - MITSUBISHI UFJ TRUST COMPANY; BARCLAYS BANK PLC; CITIGROUP INC.; COMMERZBANK AG CREDIT AGRICOLE CORPORATE & INVESTMENT BANK; CREDIT SUISSE SECURITIES (USA) LLC; DEUTSCH BANK AG NEW YORK; DEUTSCHE BANK TRUST CO. AMERICAS; DOHA BANK; FEDERAL RESERVE BANK OF NEW YORK; HABIB AMERICAN BANK; HSBC BANK, USA, N.A.; INTERAUDI BANK; INTESA SANPAOLO S.P.A.; JP MORGAN CHASE & CO.; PNC BANK, N.A.; RBS CITIZENS, N.A.; SOCIETE GENERALE; STANDARD CHARTERED BANK; STATE BANK OF INDIA; SUMITOMO MITSUI BANKING CORP.; THE ROYAL BANK OF SCOTLAND N.V.; UNITED BANK LIMITED; WELLS FARGO BANK, N.A.,

Respondents/Garnishees.

CITIBANK N.A.

Respondent/Garnishee and  
Third-Party Petitioner,

v.

ISLAMIC COOPERATIVE DEVELOPMENT BANK;  
CENTRAL BANK OF SUDAN; IDBS TECHNICAL  
SUPPORT RFA; EL NILEIN INDUSTRIAL  
DEVELOPMENT BANK; RICK HARRISON, JOHN  
BUCKLEY, MARGARET LOPEZ, KEITH LORENSEN,  
EDWARD LOVE, DAVID MORALES, ROBERT  
MCTUREOUS, GINA MORRIS, RUBIN SMITH,  
MARTIN SONGER, JR., JEREMY STEWART,  
KESHA STIDHAM, AARON TONEY, ERIC  
WILLIAMS, CARL WINGATE, ANDREW LOPEZ,  
LISA LORENSEN, AND SHELLY SONGER et al.],

Adverse Claimants-  
Respondents.

BENAIHA YONGO-BURE, pursuant to 28 U.S.C. § 1746, hereby declares:

1. I am currently an Associate Professor of economics in the Department of Liberal Studies at Kettering University, where I have been employed as a professor since 2000. I began my academic career as an Assistant Professor of economics at the University of Khartoum, Sudan, in 1984, where I remained until 1990. In 1989, I became the Acting Head of the Department of African and Asian Studies at the University of Khartoum. In 1990, I came to the United States where I worked as a visiting scholar at Michigan State University. From 1991-1993, I was employed as a visiting assistant professor of economics at Wayne State University. From the periods of 1993-1996 and 1998-2000, I was employed as Adjunct Faculty at Wayne State University in the Department of Economics.

2. I am a current Board Member (2004-2007; 2013-2016) and past President (2007-2009) of the Sudan Studies Association. I am a founding member of the South Sudan Economic Studies Association. I am, also, a current member of the African Studies Association and the American Economic Association.

3. Throughout my academic career I have focused my research on the economy and history of Sudan and South Sudan. I have authored and co-authored over forty articles and monographs regarding the Republic of Sudan and the Republic of South Sudan, and have published a book, *Economic Development of Southern Sudan*, Lanham, MD: University Press of America, Feb. 2007, regarding the economy of South Sudan. I am currently drafting the manuscripts for two books that are related to African and Sudanese economic development, which are presently titled *Resources Constraints, Population Pressures, Cooperation, and Development in the Nile Basin* and *Economics and African Development*.

4. I have participated in 39 conferences regarding African and Sudanese economics, and have been an invited presenter at 15 of these events. My presentations at such conferences have dealt with topics related to the economies of Sudan and South Sudan.

5. In 1984, I was employed by the Ministry of Finance and Economic Planning of the government of Sudan, for the purposes of a project involving macroeconomic analysis and debt monitoring.

6. In 2004, I was employed as a consultant by the World Bank, regarding analysis of post-war development policies of the government of Sudan and the government of South Sudan.

7. This declaration is based on my personal knowledge.

8. I was retained by the Plaintiffs in this case for the purpose of researching certain Sudanese entities to determine whether they were owned by the Republic of Sudan at the time of various electronic funds transfers that are the subject of litigation in this matter.

9. For the purposes of this research, I consulted numerous resources, including scholarly journal articles, government and quasi-governmental publications, shareholder reports, publicly available historical data self-published by the entities themselves, news reports, and

certain Sudanese legal acts. These resources are typical of the resources utilized when conducting research in the area of economic scholarship. Notwithstanding the foregoing, I have for the purposes of past projects researched Sudanese financial institutions and governmental agencies, and was familiar with the entities described in this declaration before engaging in this project. The following list, while not exhaustive of all the resources that I consulted, is representative of the resources that I principally relied upon:

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Elhiraika, Adam B. and Ismail, Khalid A., “Financial Sector Policy and Poverty Reduction in Sudan”, Economic Research Forum, Cairo, Egypt, Working Paper Series, Working Paper No. 0411 (2004).

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Sudanese Online News (2014, June 17) MPs express discontent over Sudan Airways decline. Retrieved from <http://sudaneseonline.com/cgi-bin/esdb/2bb.cgi?seq=msg&board=10&msg=1403027577&rn=1>.

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Mubasher Info (2011, October 19), Clarification from Aref Investment on Divesting Sudan Airways Equity. Retrieved from <http://english.mubasher.info/news/1948998/Clarification-from-Aref-Investment-on-divesting-Sudan-Airways-equity>.

Aviation Information Network LLC (2011, Sept. 8), Kuwaiti Partner to Pull Out of Sudan Airways. *Arab Aviation*. Retrieved from <http://www.arabaviation.com/countrybriefs/sudan/sudanairways/tabid/158/ctl/detail/mid/1609/ite mid/289/language/en-us/kuwaiti-partner-to-pull-out-of-sudan-airways.aspx>.

Kuwait News Agency (2007, Dec. 6), Kuwait’s Aref Co. signs deal giving it 49 percent stake in Sudan Airways. Retrieved from <http://www.kuna.net.kw/ArticlePrintPage.aspx?id=1754109&language=en>.

### **Central Bank of Sudan**

10. The Central Bank of Sudan, commonly referred to as the Bank of Sudan, was created following Sudan’s vote for independence from Egypt and Great Britain in 1956, by the

Bank of Sudan Act of 1959. It was established to serve as Sudan's central bank and perform the functions of regulating and issuing currency, formulating and directing monetary and national economic policies, maintain government accounts, and act as adviser for the government on financial affairs. While since its inception the Central Bank of Sudan has maintained a corporate existence, it has been continuously owned by the government of the Republic of Sudan as a public banking institution, and its officials have been appointed by the Sudanese government. In 2005, the Central Bank of Sudan Act of 1959, which set forth the governing regulations for the operation of the Bank was repealed and replaced by the Central Bank of Sudan Act of 2002. The Central Bank of Sudan Act of 2002 (Amended 2006) did not change the public nature of the Central Bank of Sudan, which remains to the present date under the direct ownership and control of the government of Sudan, with its Governor and Board of Directors being directly appointed by the President of the Republic.

### **El Nilein Industrial Development Bank**

11. The bank known as El Nilein Industrial Development Bank was created through the merger of two existing public banks, the Industrial Development Bank of Sudan and El Nilein Bank, on March 8, 1993. From 1993 to 2006, El Nilein Industrial Development Bank carried out commercial banking functions and industrial development lending, as a public bank, under the control of the government of Sudan and the Central Bank of Sudan. In October 2006, a consortium of private investors led by a local Sudanese bank, Al Salam Bank, acquired a 60% interest in El Nilein Industrial Development Bank from the Sudanese government, with the Sudanese government retaining a 40% interest. Following partial privatization, El Nilein Industrial Development Bank continues to operate under the name El Nilein Industrial Development Bank Group.

12. El Nilein Bank was one of the first commercial banks organized following Sudanese independence in 1959. In 1970, under the 1970 Nationalization of Banks Act, El Nilein Bank was nationalized by the Sudanese government, along with all other commercial banks in Sudan, and placed under the control of the Central Bank of Sudan. El Nilein Bank was a public bank, performing commercial banking services, under the control of the Central Bank of Sudan at the time of its merger with the Industrial Bank of Sudan, in 1993.

13. The Industrial Bank of Sudan was established in 1961, by the government of Sudan, as a specialized public bank to lend funds and provide banking services for the purpose of promoting private industry. The Industrial Bank of Sudan acted as a public bank in this capacity until its merger with El Nilein Bank, in 1993. Subsequently, to facilitate the partial privatization of El Nilein Industrial Development Bank in 2006, the Sudanese government established the Industrial Development Bank, as a separate public bank, through the Industrial Development Bank Act of 2005. The current Industrial Development Bank remains a public bank, wholly owned by the government of Sudan.

### **Agricultural Bank of Sudan**

14. The Agricultural Bank of Sudan was established in 1959, by the government of Sudan as a public bank, with the purpose of lending funds and providing banking services to promote private agricultural development within Sudan. It has operated continuously since that time and remains a public bank under the full ownership and control of the government of Sudan, through the Central Bank of Sudan and the Ministry of Finance and National Economy.

### **Omdurman National Bank**

15. Omdurman National Bank was established in 1993, by the government of Sudan, as a public bank, with the purpose of providing commercial banking services. It is owned by the government of Sudan through the Central Bank of Sudan and the Sudanese Armed Forces.

### **Sudan Airways**

16. Sudan Airways was established in 1947 and is the national air carrier of the Republic of Sudan. Except for a brief period of partial privatization from 2007-2011, it was and is owned and controlled by the government of Sudan. In June 2007, a 49% interest in Sudan Airways was sold to the Aref Investment Group, a private Kuwaiti entity, and another 21% interest was sold to the Faiha Holding Company, a private Sudanese entity and subsidiary of Aref Investment Group. The government of Sudan retained a 30% share in the airline, following the sale. In September 2011, Aref Investment Group sold both its 49% interest and Faiha Holding Company's 21% interest back to the Sudanese government. The Sudanese government has attempted to re-privatize the airline through foreign investment since that time, but has failed to do so and retains ownership and control of Sudan Airways.

I declare under penalty of perjury that the above declaration is true and correct.



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Benaiah Yongo-Bure

Executed July 25, 2016